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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

REAL PROPERTY AND)
IMPROVEMENTS LOCATED AT)
10 TABLE BLUFF ROAD, LOLETA,)
CALIFORNIA (APN 308-271-026),)

Defendant.)

JOAN HUNZIKER, CITIMORTGAGE,)
INC., AND CITIBANK, N.A.,)

Claimants.)

No. 06-5256 SI

STIPULATION AND ORDER
RE: SCHEDULING

1 Counsel for the United States and counsel for claimant Joan Hunziker agree, subject to
 2 this Court's approval, that the case be stayed for 90 days and all deadlines be extended by 90
 3 days primarily for the purpose of determining whether the parties can resolve this case without
 4 further expensive and time-consuming litigation, but also because both counsel have serious
 5 health concerns, and counsel of the United States will be undergoing surgery on October 19,
 6 2009. Counsel recognize that there are a number of expenses if this litigation goes forward on
 7 the current schedule, including a deposition next week which the United States is taking in
 8 Eureka; the deposition of claimant's son, Brendon Clarke, who is living in southern California
 9 and would have to be deposed there; the deposition of claimant Hunziker; the expense involved
 10 responding to the pending written discovery requests of the parties. In addition, unknown at the
 11 time of the last CMC, counsel for the United States will be undergoing surgery, a total right knee
 12 replacement, on October 19, 2009 and will, at a minimum, be out of the office on medical leave
 13 for three weeks. As the Court recalls, counsel for claimant was unable to attend the last CMC
 14 because she had injured her knee by fracturing the tibial plane approximately six weeks ago and
 15 is still unable to walk for more than a few minutes, drive in a vehicle without pain and unable to
 16 fly – which would likely be involved in taking a deposition in southern California..

17 Specifically, counsel agree to the following rescheduled deadlines:

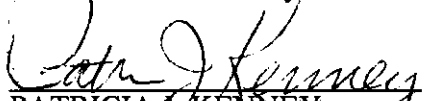
- 18 1. That claimant's responses to the United States' requests for admissions,
 19 interrogatories and requests for documents which are due on or before October 21,
 20 2009 are extended to and including January 19, 2010;
- 21 2. That the United States' responses to claimants' requests for admissions,
 22 interrogatories and requests for documents which are due on or before
 23 November 9, 2009 are extended to and including February 8, 2010;
- 24 3. That the September 9, 2009 pretrial preparation order dates are extended by 90
 25 days as follows (except for the pretrial and trial dates which counsel anticipate can
 26 be rescheduled, if necessary, at the January 29, 2010 case management
 27 conference):
 28

- 1 a. A further case management conference currently scheduled for November
2 13, 2009 will be held on January 29, 2010 at 3:00 p.m.;
- 3 b. The expert and non-expert discovery cut off currently scheduled for
4 December 18, 2009 will be extended to and including March 19, 2010;
5 and
- 6 c. The parties dispositive motions currently scheduled to be filed on January
7 29, 2010 are due to be filed on April 30, 2010.
8

9 IT IS SO STIPULATED:

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11 Dated: October 9, 2009


JOSEPH P. RUSSONIELLO
United States Attorney


PATRICIA J. KENNEY
Assistant United States Attorney
Attorney for the United States

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13
14 Dated: October 9, 2009

BRENDA GRANTLAND
Attorney for Claimant Joan Hunziker

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18 IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION ON THIS ____
19 DAY OF OCTOBER, 2009.



HONORABLE SUSAN ILLSTON
United States District Judge

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2 13, 2009 will be held on January 29, 2010 at 3:00 p.m.;
- 3 b. The expert and non-expert discovery cut off currently scheduled for
4 December 18, 2009 will be extended to and including March 19, 2010;
5 and
- 6 c. The parties dispositive motions currently scheduled to be filed on January
7 29, 2010 are due to be filed on April 30, 2010.
- 8

9 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

10
11 Dated: October 9, 2009

PATRICIA J. KENNEY
Assistant United States Attorney
Attorney for the United States

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13
14 Dated: October 9, 2009


BRENDA GRANTLAND
Attorney for Claimant Joan Hunziker

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16
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18 IT IS SO ORDERED PURSUANT TO THE FOREGOING STIPULATION ON THIS ____
19 DAY OF OCTOBER, 2009.

20
21 HONORABLE SUSAN ILLSTON
United States District Judge